



California Regional Water Quality Control Board

Lahontan Region



Linda S. Adams
Secretary of
Environmental Protection

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Arnold Schwarzenegger
Governor

MINUTES

October 11-12, 2006

Regular Meeting

North Tahoe Conference Center
Lodgepole Room
8318 North Lake Boulevard
Kings Beach, CA 96143

Dr. Horne, Chair, called the meeting to order at 1:45 p.m. on October 11, 2006.

Board Members Present

John Brissenden, Hope Valley
Jim Chapman, Susanville (arrived at 3:25 p.m.10/11/06)
Keith Dyas, Rosamond
Amy Horne, Ph.D., Truckee
Eric Sandel, Truckee
Susan J. Van Dam, Barstow (arrived at 1:55 p.m.10/11/06)

Board Members Absent

Jack Clarke, Apple Valley

Legal Counsel

David Coupe, State Water Resources Control Board

Staff Present

Harold Singer, Executive Officer	Bob Larsen, Environmental Scientist
Bob Dodds, Assistant Executive Officer	Eric Shay, Staff Services Analyst
Chuck Curtis, Supervising WRCE	Eric Taxer, WRCE
Lauri Kemper, Supervising WRCE	Judith Unsicker, Senior Environmental Scientist
Laurie Applegate, Executive Assistant	Bruce Warden, Environmental Scientist
Scott Ferguson, Senior WRCE	

Addressing the Board

Howard Arcularius, Inyo and Mono Private Cattlemen
Lisa Belenky, Center for Biological Diversity
Steven H. Blum, State Water Resources Control Board
Drew Briner, Briner Law Offices
Tom Budlong, Friends of the Panamints
Neil Eskind, North Tahoe Public Utility District
Tony Francois, California Farm Bureau Federation
Richard Friant, Peters Shorthand Reporting Service
Jason Fried, California Wilderness Coalition and Alliance for Responsible Recreation

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John Friedrich, League to Save Lake Tahoe
Lori Gillem, Los Angeles Department of Water and Power
Mark D. Hudak, Carr, McClellan, Ingersoll, Thompson & Horn
Geary Hund, the Wilderness Society and a Coalition to Protect Surprise Canyon
Jordan Kahn, Tahoe Regional Planning Agency
Richard Ross, Tahoe Cattlemen's Association
Dirk Schoonmaker
Todd Swickard, Lassen County Cattlemen's Association
Bill Thomas, Centennial Ranch
Raymond Tremblay, Los Angeles County Sanitation Districts
Lisa Wallace, Truckee River Watershed Council

1. **PUBLIC FORUM**

Raymond Tremblay, Los Angeles County Sanitation Districts, handed out and discussed a letter dated October 11, 2006 to the Board regarding delays to compliance with Regional Board Order No. R6V-2004-0038, Lancaster Water Reclamation Plant. Mr. Tremblay asked the Board to expedite permitting of the Lancaster Water Reclamation Plant and Eastern Agricultural Site and to modify the compliance schedules contained in the Board Order to reflect the schedule impacts due to actions beyond the control of the District.

2. **MINUTES**

Minutes of the Regular Meeting of September 13 and 14, 2006 in Lancaster, California

The September minutes were not prepared in time to be considered by the Board. They will be considered at the Board's November meeting.

OTHER BUSINESS

11. **Executive Officer's Report**

Note: With the arrival of Board member Susan Van Dam at 1:55 p.m., the Board had a quorum.

Mr. Singer discussed items from the October 2006 written report and handed out a press release from the Pacific Rivers Council entitled: *California's Harmful Fish Stocking Practices Challenged – Conservationists Seek Review of Impacts on Imperiled Species.*

The Board discussed the 2007 Board Meeting Schedule. The Board decided to continue meeting on the second Wednesday/Thursday of each month except for the month of September. The Board will meet on September 5-6, 2006. The Board will not meet during the months of August and December.



3. **ADOPTION OF THE UNCONTESTED CALENDAR**

Item 4 was considered on the uncontested calendar. Item 5 was removed from the uncontested calendar at Dr. Horne's request.

- **Motion:** Moved by Mr. Brissenden, seconded by Mr. Sandel and **unanimously carried** to adopt Item 4 on the uncontested calendar. Note: Mr. Chapman was not present for the vote.

RESCISSION OF WASTE DISCHARGE REQUIREMENTS

4. **Rescission of Waste Discharge Requirements for the Turney Medical Office, South Lake Tahoe, El Dorado County**

See Item 3 for Board action.

REVISED WASTE DISCHARGE REQUIREMENTS

5. **Amendment to Waste Discharge Requirements/NPDES Permit for the City of South Lake Tahoe, El Dorado County, and Placer County Storm Water/Urban Runoff Discharge**

This item was removed from the uncontested calendar at Dr. Horne's request.

Dr. Horne opened the public hearing and asked if there was anyone wishing to present evidence or testimony relevant to the Order. Hearing none, the public hearing was closed.

Mr. Singer discussed the late revision sheet.

Dr. Horne encouraged Water Board staff and the dischargers to work closely together to meet the revised date of May 1, 2007 for Storm Water Management Plan submittal. She noted that she would not look favorably upon extending the deadline for plan submittal again.

- **Motion:** Moved by Mr. Dyas, seconded by Mr. Sandel and **unanimously carried** to adopt Item 5 with the late revision sheet. Note: Mr. Chapman was not present for the vote.

OTHER BUSINESS

6. **Grazing Workshop**

Bruce Warden discussed regulatory strategies for grazing. He noted staff recommends a watershed-based grazing waiver with a geographic focus, (beginning implementation with the Bridgeport Valley), covering irrigated pasture and non-irrigated rangeland, and watershed data collection, assessment, and



monitoring focused on bacteria. Staff plans to bring a waiver for the Board's consideration in the spring of 2007.

Addressing the Board: Lori Gillem, Los Angeles Department of Water and Power; Tony Francois, California Farm Bureau Federation; Todd Swickard, Lassen County Cattlemen's Association; Bill Thomas, Centennial Ranch; and Richard Ross, Tahoe Cattlemen's Association.

Note: Board member Jim Chapman arrived at 3:25 p.m.

Board members discussed the regulatory strategies recommended by staff and generally agreed with the strategies for grazing regulation. Mr. Chapman voiced concern with including non-irrigated rangeland unless a specific problem has been identified. Dr. Horne asked how staff plans to address issues with pack stations. Mr. Singer noted staff is looking at pack stations on a problem-specific basis, utilizing enforcement tools when necessary.

Dr. Horne suggested staff schedule Board consideration of the waiver for May or June 2007 to provide additional time for comments. Ms. Kemper explained that up until the present time, the ranchers have been monitoring voluntarily. She noted staff would prefer to have the waiver in place by spring of 2007 to ensure continued monitoring. Mr. Singer noted the waiver could be scheduled in May or June 2007 for Board consideration and if needed, he could use his authority under section 13267 of the Water Code to impose spring monitoring.

Dr. Horne thanked the ranching community for working cooperatively with staff.

7. Public Hearing – 2006 Triennial Review of the Water Quality Control Plan for the Lahontan Basin

Dr. Horne opened the public hearing.

Dr. Judith Unsicker gave the staff presentation.

Addressing the Board: Geary Hund, the Wilderness Society and a Coalition to Protect Surprise Canyon (handout); Lisa Belenky (handout), Center for Biological Diversity; Tom Budlong, Friends of the Panamints; Jason Fried, California Wilderness Coalition and Alliance for Responsible Recreation; Bill Thomas, Centennial Ranch; Howard Arcularius, Inyo and Mono Private Cattlemen; Ray Tremblay, LACSD (handout); Lisa Wallace, Truckee River Watershed Council (handout); and John Friedrich, League to Save Lake Tahoe.

With no further testimony, the public hearing was closed.



Note: The Board took a dinner break at 5:30 p.m. Item 7 was continued to the evening session following Item 10. See pages 6, 7 and 8 for the continued discussion of Item 7 and Board action.

Regular Meeting, Continued
7:00 p.m., October 11, 2006

Dr. Horne called the meeting to order at 7:00 p.m.

9. PUBLIC FORUM

No one addressed the Board during the Public Forum.

ENFORCEMENT ACTION

- 10. Continued Public Hearing – Consideration of a Proposed Settlement of Administrative Civil Liability, or, in the Alternative, Imposition of Civil Liability Proposed in Complaint No. R6T-2005-0029 Issued to C. Geoffrey and Christine Davis, Hans and Margaret Coffeng, and Pacific Built, Inc., for Violation of Waste Discharge Prohibitions Prescribed in the Water Quality Control Plan for the Lahontan Region, for the Unauthorized Discharge of Untreated Domestic Wastewater to Lands Below the Highwater Rim of Lake Tahoe on July 19, 2005 at 7770 and 7780 North Lake Boulevard, Kings Beach, Placer County**

Note: This item was transcribed by an electronic court reporter. To purchase a transcript, contact Peters Shorthand Reporting Corporation at (916) 362-2345. The item was also recorded.

Note: Mr. Sandel declared a conflict of interest and did not participate in this item.

Dr. Horne read an opening statement outlining the hearing procedures.

David Coupe, counsel to the Board and member of the advisory team, discussed concerns with the Order as originally proposed and outlined options available to the Board. Mr. Coupe noted the advisory team could support the Order if the designated parties would stipulate that they would not challenge the Order accepting settlement by filing a petition with the State Water Board or challenge the Lahontan Water Board should it become necessary in the future to convert the settlement Order to a judgment. Mr. Coupe noted the designated parties recently submitted a revised proposed Order that appeared to address his concerns. Mr. Coupe answered questions from the Board.

Harold Singer, Executive Officer, and member of the advisory team, answered questions from the Board regarding notification of utilities and previous supplemental environmental projects (SEPs) accepted by the Board.



Robert Dodds, Assistant Executive Officer representing the prosecution team, supported the proposed settlement Order and discussed the proposed SEP. Mr. Dodds answered questions from the Board. Scott Ferguson, Senior WRCE, discussed late revisions to the proposed Order.

Mr. Coupe suggested that the designated parties endorse the additional findings on the record as part of their presentations.

Mark Hudak, counsel representing Davis and Coffeng asked the Board to adopt the proposed Order. Mr. Hudak stipulated to the additional protections included in the Order.

Drew Briner, counsel representing Pacific Built, asked the Board to approve the proposed Order. Mr. Briner stipulated to the revisions in the Order.

Mr. Coupe and Mr. Blum discussed section 13328 of the Water Code relative to the proposed Order.

Comments by Interested Persons

The following interested persons provided comments:

Dirk Schoonmaker; Neil Eskind, North Tahoe Public Utility District; and Jordan Kahn, Tahoe Regional Planning Agency.

Dr. Horne closed the public hearing.

Board members discussed imposing the Administrative Civil Liability versus settlement; the SEP, and the amount of the settlement. Mr. Chapman discussed his reasons for not supporting the proposed settlement agreement. He felt the burden of responsibility was wrongly placed and that the government agencies involved shared in the responsibility for the incident. Dr. Horne felt the settlement amount was too low because the impact on beneficial uses was the same regardless of how much was discharged.

- **Motion:** Moved by Mr. Dyas and seconded by Mr. Brissenden to adopt the proposed settlement Order with the late revisions.
Voting yes: Mr. Brissenden, Mr. Dyas and Ms. Van Dam.
Voting no: Dr. Horne and Mr. Chapman.

Motion carried 3-2.

7. Public Hearing – 2006 Triennial Review of the Water Quality Control Plan for the Lahontan Basin (continued)

Note: This item was continued from the afternoon session. See page 4 for the first portion of the discussion.



Note: Mr. Sandel joined the Board.

Board members discussed Table 2 – Draft 2006 Triennial Review Priorities and Attachment A to the proposed Resolution – Lahontan Water Board's Priority Planning Issues for 2006-2009. The Board commented on the following issues:

Issue 1 – Lake Tahoe Shorezone Amendments

Board members supported this issue assuming the environmental document analyzes the water quality environmental impacts to Lake Tahoe. Staff should continue to participate in TRPA's shorezone ordinance amendment and EIS preparation process. The Board discussed the need to remain independent and vigilant in protecting water quality in Lake Tahoe. Mr. Chapman suggested looking at bigger issues, such as sewer lines within the shorezone, when considering this issue.

Issue 2 – Natural Sources Exclusion/Controllable Factors Language

Mr. Singer was asked to research the Board's authority to address the effect of groundwater pumping on water quality as a controllable factor.

Issue 3 – Revised Exemption Criteria for Truckee River and Little Truckee River 100-year Floodplain Prohibitions

The Board expressed concern that water quality in the Truckee River Basin not be relaxed. The Board supported limited exemption criteria protective of water quality and asked that a narrower definition of public recreation be included with this issue. Dr. Horne asked staff to consider adding the October 15 to May 1 grading deadline to the Basin Plan for the Truckee River Basin and Mammoth Lakes area.

Issue 6 – Editorial Update of Entire Plan

Mr. Chapman cautioned staff not to inadvertently change substance when making minor editorial changes to the Basin Plan.

Outstanding National Resource Water and/or BIOL Use Designation for Surprise Canyon Creek, Panamint Valley Watershed

This item will be added to the Priority List (Attachment A of the proposed Resolution).

Mr. Brissenden asked that consideration be given to designating the East Carson and West Walker Rivers as Outstanding National Resource Waters and asked Mr. Singer to include an item in the November Executive Officer's report.

Mr. Chapman suggested staff make changes to Attachment A of the Resolution based on the Board's comments and direction and bring the matter back to the November meeting for review and action. Board members discussed the suggestion and it was decided to post the revised Resolution and Attachment A



on the Board's webpage for public review as well as send it to the Board members. If further discussion is needed, the item will be placed on a future agenda for Board review.

- **Motion:** Moved by Mr. Sandel, seconded by Mr. Brissenden and **unanimously carried** to adopt the Resolution with the revisions suggested by the Board.

Note: The meeting recessed at 10:25 p.m. on October 11, 2006.

Regular Meeting, Continued
8:30 a.m., October 12, 2006

Dr. Horne called the meeting to order at 8:30 a.m. on October 12, 2006.

Board members present: John Brissenden, Jim Chapman, Keith Dyas, Eric Sandel and Susan Van Dam. Board members absent: Jack Clarke.

8. Public Hearing – Consideration of Basin Plan Amendments to Revise Sodium-Related Standards for the Carson and Walker River Watersheds and a Related Environmental Document

Dr. Horne opened the public hearing.

Chuck Curtis, Supervising Engineer, discussed two minor changes to the environmental document.

With no further testimony, the public hearing was closed.

- **Motion:** Moved by Mr. Dyas, seconded by Mr. Chapman and **unanimously carried** to adopt the Resolution and the substitute environmental document with the revisions discussed by Mr. Curtis.

13. Reports by Chair and Board Members

Dr. Horne discussed the agenda for the Water Quality Coordinating Committee meeting to be held on October 30-31, 2006 in Sacramento, and issues to be considered at the October 25, 2006 meeting of the State Water Resources Control Board. Dr. Horne discussed information regarding three 2006 statutes of interest to the Water Boards.

14. ADJOURNMENT OF MEETING

With no further business to come before the Board, the meeting adjourned at 8:55 a.m. on October 12, 2006.

s/s

Prepared by: _____ Adopted: November 8, 2006
Laurie Applegate, Executive Assistant

California Environmental Protection Agency

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